



ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS

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Regular Session Minutes

April 11, 2008

Board Members Present: Geri DeWaard, OTR Chair
Rebecca Grabski, OTA Vice-Chair
John Tutelman, Public Representative
Deborah Devine, Public Representative

Board Members Not Present: Kathryn Babits, OTR Board Member

Staff Present: Vicki Egurrola, Administrative Assistant

Legal Representative: Dawn Lee, Assistant Attorney General

Call to Order

The regularly scheduled meeting of the Arizona State Board of Occupational Therapy Examiners was called to order at 1:30 p.m., Chair Geri DeWaard, OTR presiding.

Approval of Minutes

Regular Session Minutes of March 14, 2008

Mr. Tutelman moved to approve the March 14, 2008 regular session meeting minutes with an amendment on page 2 to add the name of one of the witnesses regarding Mary Jo Todd, and on page 3, an amendment to add that Ms. Lizotte was not present for a scheduled informal meeting. Ms. DeWaard seconded. The motion passed 4-0.

Executive Session Minutes of February 8, 2008

Mr. Tutelman moved to approve the March 14, 2008 executive session meeting minutes. Ms. Devine seconded. The motion passed 4-0.

Initial Review of Complaints

08-002-C Christopher Smith, OTR

The Board is in receipt of a complaint filed against Mr. Smith alleging unprofessional conduct, which Mr. Smith accepted a prescription for treatment for Physical Therapy and he is an Occupational Therapist. The Board also is in receipt of Mr. Smith's response to the complaint.

Following discussion Ms. Grabski moved to dismiss the complaint against Christopher Smith finding no apparent violation of the Arizona Revised Statutes governing the practice of occupational therapy. Ms. DeWaard seconded. The motion passed 4-0

Open Complaint Investigations

07-129-C Bernadette S. Harkins, OTR

At a previous meeting, the Board tabled the complaint filed against Bernadette S. Harkins, OTR for further investigation, and moved to hold an informal meeting with her pursuant to A.R.S. §32-3442(C) based on a possible violation of A.R.S. §32-3401.

Ms. DeWaard recused herself from discussion of the complaint due to her working relationship with Ms. Harkins.

The complainant alleges that Ms. Harkins failed to document or maintain client treatment records, or failed to prepare client reports within 30 days of service or treatment.

The complaint is tabled pending the informal meeting that will be scheduled to take place in May.

Ms. Egurrola informed the Board that Ms. Harkins's license had expired March of 2008.

Probationary Status Reports

Shawn A. Keams, OTA

Shawn A. Keams, OTA is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with a signed Consent Agreement.

The Board is in receipt of correspondence from Mr. Keams regarding his monthly attendance at AA meetings.

The Board found that Mr. Keams is in compliance with his reporting for the month of March, 2008.

Complaint No. I-05-105 Michelle Finet, OTR

Michelle Finet, OTR is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with the Decree of Censure

It was reported that Ms. Finet has not completed the continuing education credits (CEU'S) to date, but has on or before termination of probation to complete the requirements for completing six (6) CEU's on the subject of medical ethics; and three (3) CEU's on the subject of business management.

Ms. Egurrola informed the Board that Ms. Finet's license had expired in March of 2008.

Complaint No. 07-135-B Cody DeGuzman, OTA

The Board is in receipt of a signed Consent Agreement and Order from Mr. DeGuzman.

The Board is in receipt of the returned receipt that Mr. DeGuzman did send a certified letter to his former employer requesting that they notify all of his clients he treated from November 16, 2007 to December 3, 2007 that he was not licensed to practice during that time period.

Substantive Review, Discussion, and Vote Re: The Applications For Licenses As Follows:

a. Initial Applications
i. Roger Reyes

Roger Reyes provided the Board with documentation regarding an arrest that occurred in 1990 on a drug charge. Mr. Reyes disclosed the arrest on his initial application.

Following discussion, Ms. Devine moved to approve the initial license of Mr. Reyes, and to issue him a letter of concern. Ms. DeWaard seconded. The motion passed 4-0.

Mr. Tutelman moved to approve all of the initial applications on the April 2008 initial applications list. Ms. Devine seconded. The motion passed 4-0.

b. Renewal of Licenses

Ms. DeWaard recused herself from the approval of her OT license renewal.

Mr. Tutelman moved to approve the renewal application of Ms. DeWaard. Ms. Devine seconded. The motion passed 3-0.

Ms. Devine moved to approve all of the licensees listed on the April, 2008 renewal of licenses list with the exception of Ms. DeWaard. Ms. Grabski seconded. The motion passed 4-0.

c. Limited Permits

Mr. Tutelman moved to approve the 2 applications listed on the April, 2008 limited permit list. Ms. Devine seconded. The motion passed 4-0.

Executive Director's Report

a. Revenue and Expenditure Report

The Board reviewed the February, 2008 Revenue and Expenditure Report.

Other Board Business and Reports

a. SB1128 and SB1129

Scot Butler the lobbyist for Arizona Occupational Therapy Association, along with Laura Beckman Co-Chair of ArizOTA's legislative committee was present to address their concerns regarding changes to SB1128.

During discussion the Board had to recess at 2:23 p.m. due to a fire in the building.

The Board returned to regular session at 2:50 p.m.

The Board listened to Mr. Butler's concerns regarding SB1128.

b. Proposed Rule Making

Mr. Tutelman made a motion to table the discussion regarding the proposed rules. Ms. DeWaard seconded. The motion passed 4-0.

Review Meeting Schedule

The Board moved to changed their May 9, 2008 Board meeting to May 16, 2008. No other changes were made at this time.

Call to the Public

No public comment was received.

Adjournment

There being no further business before the Board, the meeting was adjourned at 3:20 p.m.

Respectfully submitted,

Linda A. Wells
Executive Director

